

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 106

**HOUSE BILL 2047**

AN ACT

AMENDING SECTION 29-313, ARIZONA REVISED STATUTES; AMENDING TITLE 44, CHAPTER 10, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-1443.01; AMENDING SECTION 41-1445, ARIZONA REVISED STATUTES; AMENDING TITLE 44, CHAPTER 10, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 44-1460.06; RELATING TO THE SECRETARY OF STATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 29-313, Arizona Revised Statutes, is amended to  
3 read:

4 29-313. Filing in office of secretary of state; acceptance

5 A. Two signed copies of the certificate of limited partnership and of  
6 any restated certificate of limited partnership or any certificates of  
7 amendment or cancellation or of any judicial decree of amendment or  
8 cancellation shall be delivered to the secretary of state. A person who  
9 executes a certificate as an agent or fiduciary need not exhibit evidence of  
10 his authority as a prerequisite to filing. Unless the secretary of state  
11 finds that any certificate does not conform to the filing provisions of this  
12 chapter, upon receipt of all filing fees required by law, he shall:

13 1. Endorse on each duplicate original the word "filed" and the day,  
14 month and year of the filing thereof;

15 2. File one duplicate original or a copy of the original in his  
16 office; and

17 3. Return the other duplicate original to the person who filed it or  
18 his representative.

19 B. Upon the filing of a certificate of amendment or judicial decree  
20 of amendment or restated certificate of limited partnership containing an  
21 amendment in the office of the secretary of state, the certificate of limited  
22 partnership shall be amended as set forth therein, and upon the effective  
23 date of a certificate of cancellation or a judicial decree thereof, the  
24 certificate of limited partnership is cancelled.

25 C. If the secretary of state is unable to complete the determination  
26 required by subsection A on the day a certificate is delivered for filing,  
27 the certificate shall be deemed to have been filed on the day of delivery if  
28 the secretary of state subsequently determines that:

29 1. The certificate as delivered conforms to the filing provision of  
30 this chapter; or

31 2. Within twenty days after notification of nonconformance is given  
32 by the secretary of state, the certificate is brought into conformance.

33 D. If a certificate required to be filed pursuant to this chapter is  
34 incorporated within a limited partnership agreement or a restated or amended  
35 limited partnership agreement, and not set forth separately, a written  
36 statement shall also be delivered specifying where the applicable information  
37 required for the filing of the certificate is located in the document.

38 E. ANY DOCUMENT THAT IS REQUIRED TO BE FILED PURSUANT TO THIS CHAPTER  
39 MAY BE FILED IN AN ELECTRONIC FORMAT THAT IS APPROVED BY THE SECRETARY OF  
40 STATE.

41 F. ANY DOCUMENT THAT IS FILED IN ACCORDANCE WITH THIS SECTION IS  
42 DEEMED TO COMPLY WITH:

43 1. THE FILING REQUIREMENTS OF THIS CHAPTER.

44 2. THE REQUIREMENT THAT A FILING BE VERIFIED OR BE SUBMITTED WITH A  
45 WRITTEN SIGNATURE.

1           3. ANY REQUIREMENT THAT THE FILING BE FILED UNDER THE PENALTY OF  
2 PERJURY.

3           G. THE SECRETARY OF STATE MAY ADOPT RULES REQUIRING THAT ANY PERSON  
4 THAT SUBMITS A DOCUMENT FOR FILING PURSUANT TO THIS SECTION ALSO SUBMIT A  
5 WRITTEN OR PRINTED COPY OF THE DOCUMENT AS A PREREQUISITE TO THE DOCUMENT  
6 BEING DEEMED FILED.

7           H. EXCEPT AS PROVIDED IN THIS SECTION, ALL CIVIL AND CRIMINAL STATUTES  
8 APPLICABLE TO THE FILING OF PAPER DOCUMENTS APPLY TO ALL DOCUMENTS FILED  
9 PURSUANT TO THIS SECTION.

10          Sec. 2. Title 44, chapter 10, article 3, Arizona Revised Statutes, is  
11 amended by adding section 44-1443.01, to read:

12           44-1443.01. Electronic filing; acceptance

13           A. ANY DOCUMENT THAT IS REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE  
14 MAY BE FILED IN AN ELECTRONIC FORMAT THAT IS APPROVED BY THE SECRETARY OF  
15 STATE.

16           B. ANY DOCUMENT THAT IS FILED IN ACCORDANCE WITH THIS SECTION IS  
17 DEEMED TO COMPLY WITH:

18           1. THE FILING REQUIREMENTS OF THIS ARTICLE.

19           2. THE REQUIREMENT THAT A FILING BE VERIFIED OR BE SUBMITTED WITH A  
20 WRITTEN SIGNATURE.

21           3. ANY REQUIREMENT THAT THE FILING BE FILED UNDER THE PENALTY OF  
22 PERJURY.

23           C. THE SECRETARY OF STATE MAY ADOPT RULES REQUIRING THAT ANY PERSON  
24 THAT SUBMITS A DOCUMENT FOR FILING PURSUANT TO THIS SECTION ALSO SUBMIT A  
25 WRITTEN OR PRINTED COPY OF THE DOCUMENT AS A PREREQUISITE TO THE DOCUMENT  
26 BEING DEEMED FILED.

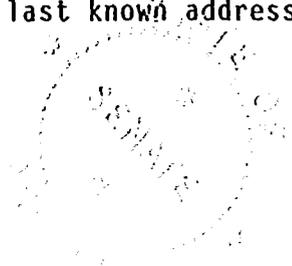
27           D. EXCEPT AS PROVIDED IN THIS SECTION, ALL CIVIL AND CRIMINAL STATUTES  
28 APPLICABLE TO THE FILING OF PAPER DOCUMENTS APPLY TO ALL DOCUMENTS FILED  
29 PURSUANT TO THIS SECTION.

30          Sec. 3. Section 44-1445, Arizona Revised Statutes, is amended to read:

31           44-1445. Duration of registration; renewal notice; application  
32 and fee

33           A. Registration of a mark under the provisions of this article shall  
34 be effective for a term of ten years from the date of registration. Upon  
35 application filed within three SIX months prior to the expiration of such  
36 term, on a form to be furnished by the secretary of state, the registration  
37 may be renewed for a like term. A mark registration may be renewed for  
38 successive periods of ten years in a like manner.

39           B. The secretary of state shall notify registrants of marks under this  
40 article of the necessity of renewal within the year next preceding the  
41 expiration of the ten years from the date of registration by writing to the  
42 last known address of the registrants.



1 C. Any registered mark expires ten years from the date of the  
2 registration, or of the last reregistration thereof, and may be reregistered  
3 by filing an application with the secretary of state on a form furnished by  
4 the secretary of state and paying the renewal fee therefor within three SIX  
5 months prior to the expiration of the registration.

6 Sec. 4. Title 44, chapter 10, article 3.1, Arizona Revised Statutes,  
7 is amended by adding section 44-1460.06, to read:

8 44-1460.06. Electronic filing; acceptance

9 A. ANY DOCUMENT THAT IS REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE  
10 MAY BE FILED IN AN ELECTRONIC FORMAT THAT IS APPROVED BY THE SECRETARY OF  
11 STATE.

12 B. ANY DOCUMENT THAT IS FILED IN ACCORDANCE WITH THIS SECTION IS  
13 DEEMED TO COMPLY WITH:

14 1. THE FILING REQUIREMENTS OF THIS ARTICLE.

15 2. THE REQUIREMENT THAT A FILING BE VERIFIED OR BE SUBMITTED WITH A  
16 WRITTEN SIGNATURE.

17 3. ANY REQUIREMENT THAT THE FILING BE FILED UNDER THE PENALTY OF  
18 PERJURY.

19 C. THE SECRETARY OF STATE MAY ADOPT RULES REQUIRING THAT ANY PERSON  
20 THAT SUBMITS A DOCUMENT FOR FILING PURSUANT TO THIS SECTION ALSO SUBMIT A  
21 WRITTEN OR PRINTED COPY OF THE DOCUMENT AS A PREREQUISITE TO THE DOCUMENT  
22 BEING DEEMED FILED.

23 D. EXCEPT AS PROVIDED IN THIS SECTION, ALL CIVIL AND CRIMINAL STATUTES  
24 APPLICABLE TO THE FILING OF PAPER DOCUMENTS APPLY TO ALL DOCUMENTS FILED  
25 PURSUANT TO THIS SECTION.

~~APPROVED BY THE GOVERNOR APRIL 11, 2001.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2001.~~

Passed the House February 14, 2001,

Passed the Senate April 2, 2001,

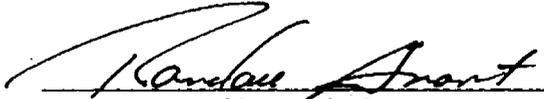
by the following vote: 58 Ayes,

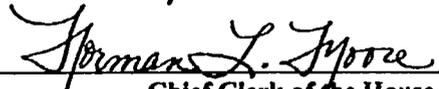
by the following vote: 29 Ayes,

0 Nays, 2 Not Voting

0 Nays, 1 Not Voting

  
Speaker of the House

  
President of the Senate

  
Chief Clerk of the House

  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**H.B. 2047**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 5, 2001,

by the following vote: 50 Ayes,

0 Nays, 10 Not Voting

Jack Flake

Speaker of the House  
Pro Tempore

Spencer L. Moore

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of April, 2001

at 9:32 o'clock A M.

Jandra Ramirez  
Secretary to the Governor

Approved this 11 day of

April, 2001,

at 8:34 o'clock P M.

Jan Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12 day of April, 2001,

at 3:30 o'clock P M.

Robyn Gayles  
Secretary of State

H.B. 2047